

June 23<sup>rd</sup>, 2016

HM/B-16:43 VW Warrington Ltd. (Fernando Puga)  
21 Warrington Street, Hamilton

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Appearances were: David Falletta, Agent on behalf of the applicant; Fernando Puga, Applicant. Interested parties were: nil

Those members present for the hearing of this application were: M. Dudzic (Chairman), V. Abraham, M. Smith, D. Serwatuk, P. Mallard, N. Mleczko, D. Smith.

A summary comment from the Planning and Economic Development Division together with comments from other departments and agencies were entered into the record.

Letters were entered into the record from: nil

- D. Falletta
- wanted to make a few comments regarding the conditions of severance
  - with regard to condition #2 they have submitted a request for an easement
  - showed an aerial photo to the Committee members
  - the property is currently accessed from Warrington and they are looking to establish an easement over the retained land in favour of the severed land for access & servicing
  - there may not be an opportunity to service the site from South Service Road
  - they don't know the ultimate user for the site
  - there are enough safeguards in place to allow this
- P. Mallard  
(Committee Member)
- the Traffic Department doesn't support this
  - the Engineering Division has issues with regard to servicing
  - he would suggest that the applications be tabled so they can meet with the Traffic Department because they are the experts
- F. Puga
- they submitted a design concept with the application
  - the design was supportable but the trip calculations couldn't be calculated
  - this will be addressed at site plan stage

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- D. Falletta
- they are trying to create a new industrial parcel which can function on its own as a site
  - they can't lease this currently because the market wants a stand-alone parcel
  - easements aren't a new thing
  - the OP supports joint driveways
  - this is not a landlocked parcel because it has frontage on a public road it just doesn't have access
- P. Mallard  
(Committee Member)
- he thinks this is premature and needs to go back to find a solution first
  - if not he would recommend denying the applications
  - the Traffic Department is the expert and if this is not doable the Committee shouldn't approve it
- S. Boich  
(staff)
- the OP policies speak to the severance of employment lands
  - the parcel has frontage on a public road
  - if Traffic won't approve access then there could be potential issues
  - we also don't know the nature of the use
- D. Falletta
- it is currently all one parcel
  - they could build a building now and access it thru the existing driveway
  - this is a tenure issue, not a functional access issue
  - there are already easements throughout the City
  - we are not reinventing the wheel
  - we are not creating an undesirable situation
  - we are making this site more marketable and bringing more jobs to the City
  - with regard to condition #3 he would like that changed to a "note" instead of a condition
  - with regard to condition #4 they are supportive of the easement including servicing as long as it falls within the size of the current easement
- P. Mallard  
(Committee Member)
- the severance can't grant access in perpetuity
  - the Traffic Department is the expert so he is inclined not to approve the applications

Following discussion it was moved by Mr. Mallard and seconded by Ms. Mleczko that the consent requested be **DENIED** for the following reasons:

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1. The Committee was of the opinion that the application was premature until the access to the property was addressed.
2. The Committee was concerned that access over two easements, affecting two separate and distinct property owners, was not an appropriate long term access and indicated that this was not appropriate or desirable development.
3. The Committee was of the opinion that the property and its development, including access to the lands, should be dealt with prior to creating the lot and as such was premature.
4. The Committee was of the opinion that the proposal does not comply with the Severance Policies of the Urban Hamilton Official Plan.
5. The Committee was of the opinion that the proposal does not appear to be in the interest of proper planning and development for the area.
6. The Committee was of the opinion that the proposal does not comply with Section 51(24) of The Planning Act.

**CARRIED.**

Moved by Mr. Mallard and seconded by Ms. Mleczko that the relief requested be **DENIED** for the following reasons:

1. The Committee is of the opinion that the variances are necessary to facilitate the severance, which was premature, and as such the variances are neither desirable nor appropriate for the development of the land.

2. The Committee having regard to the evidence is of the opinion that the relief requested is beyond that of a minor nature.

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3. The relief requested is undesirable for the appropriate development of the land and building and is inconsistent with the general intent and purpose of the By-law and of the Official Plan as referred to in Section 45 of The Planning Act, 1990.
4. The Committee having regard to the intensity of use of the subject parcel of land is of the opinion that such development would not be appropriate for the lands.

**CARRIED.**

Mr. Serwatak and Mr. Abraham voted in opposition to the motion to deny the applications.